

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of M.E. and E.E., Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DENISE EICHBAUER,

Respondent-Appellant.

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UNPUBLISHED

August 10, 2004

No. 251385

Oakland Circuit Court

Family Division

LC No. 02-666913-NA

Before: Cavanagh, P.J., and Jansen and Saad, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(ii), (g) and (j). We affirm.

The trial court did not clearly err in finding the allegations in the petition were proven by a preponderance of legally admitted evidence and in exercising jurisdiction. *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993); *Ryan v Ryan*, 260 Mich App 315, 342; 677 NW2d 899 (2004). Moreover, respondent did not object to the trial court's exercise of jurisdiction in the lower court proceedings and, therefore, has not preserved her jurisdictional challenge for this Court's review. *Hatcher, supra*. The court also did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331; 445 NW2d 161 (1989). The evidence indicated that respondent had permitted an unrelated twenty-one-year-old male to live in the home with her young daughters and knew, or should have known, that he was sexually abusing the eleven-year-old who was eventually impregnated. Furthermore, she encouraged the continuation of the relationship despite petitioner's admonitions.

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although the children indicated they wanted to maintain contact with their mother, neither of them indicated they wanted to be returned to her care. Moreover, there was no evidence to indicate respondent, who was in prison at the time of disposition, had resolved the issues that brought the children under care. Thus, the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Mark J. Cavanagh  
/s/ Kathleen Jansen  
/s/ Henry William Saad